

## **REMARKS**

### **Claim Rejections**

Claims 6 and 16 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-4 and 11-14 are rejected under 35 U.S.C. § 102(a) as being anticipated by Ishimura et al. (US 6,424,615 B1). Claims 5, 6, 15 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishimura et al. in view of Okamoto et al. (US Pub. 2001/0055246 A1). Claims 7 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishimura et al. in view of Misaizu (US 6,594,214 B1). Claims 8 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishimura et al. in view of Nonaka et al. (USP No. 5,471,441). Claims 9, 10, 19 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishimura et al. in view of Kono (US 5,305,296).

### **Specification Objection**

In the outstanding Office Action, the disclosure is objected to by the Examiner because of the following informalities: In the specification "audio tracks" are referred to as "non-data tracks", but "audio" and "video" data are generally referred to as real-time-data (see, for example, the abstract of US 6,807,132 b1).

Applicant provides the following explanation and clarification. The present invention relates to a method and optical device for reading special track-related information on an optical storage medium (see Field of the Invention). Generally, each of the data tracks on the optical storage medium comprises such special track-related information. Since an audio track, however, does not have such information, the audio track does not come into the category of a "data track," but is properly viewed as "non-data track" for the purpose of the present invention.

Specifically, the term "audio track" and its track format are well known to a person skilled in this art and, for example, are defined in IEC 908 specification (also called Red Book by skilled artisans). That is, the "audio track" is a track that contains audio information to be played back by a CD-audio player. In contrast, the "data track" is a track that contains data information to be read by a CD-ROM drive and is not playable by a CD-audio player. The term "data track" and its track format

are also well known to a person skilled in this art and, for example, are defined in ISO/IEC 10149 specification (also called Yellow Book by skilled artisans).

Furthermore, Applicant has provided full explanation regarding "data track" and "non-data track" in the Specification, page 4, lines 13-19, as follows.

The track types comprise data track, and non-data track such as audio track. In the embodiment in FIG. 2, the tracks 14 and 16 in the session 10 are data tracks. Each of the data tracks 14, 16 comprises special track-related information. The special track-related information comprises information of the data track relating to Data Mode/Form, Packet Type (including Fixed Packet Type and variable Packet Type), Packet Size, and Next Writable Address (NWA). The non-data track does not have such information.

It is therefore believed that the objection has been traversed. Applicant respectfully requests withdrawal of the objection. Furthermore, in case the Office is not satisfied with Applicant's response to the objections, Applicant nonetheless comply with the regulation under 37 CFR 1.111(b). Specifically, according to 37 CFR 1.111(b), Applicant respectfully asserts that the objection under 35 USC §112 be made as to form not necessary to further consideration of the claims and respectfully requests that the objections be held in abeyance until allowable subject matter is indicated by the Office. ("If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated.")

### **Drawings**

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

### **Claim Amendments**

By this Amendment, Applicant has amended claims 11, 12, 14, 15, and 18 of this application. It is believed that the amended claims specifically set forth each

element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

35 U.S.C. §112, Second Paragraph, Rejection of Claims 6 and 16

Claims 6 and 16 are rejected under 35 U.S.C. § 112 as being indefinite. The explanation and clarification have been made under the heading "Specification Objection," and are believed to overcome the rejection of claims 6 and 16. Reconsideration of claims 6 and 16 is respectfully requested.

35 U.S.C. §102(a) Rejections of Independent Claims 1 and 11

The Office rejects independent claims 1 and 11 under 35 U.S.C. § 102(a) as being anticipated by Ishimura et al. Applicant traverses the rejections because Applicant submits that Ishimura et al. fails to teach or suggest each of the claim limitations.

Ishimura et al. do not disclose "first reading TOC (Table of Content) data of said lead-in area in said target session, and then sequentially *reading said data tracks* in said target session for reading said *special track-related information*" and "*only when finishing reading all of said data tracks* in said target session, *then moving* said pickup head to the next session for continuing on reading special track-related information" (claim 1 of the present *Application*) (*emphasis added*).

Ishimura et al. differ from claim 1 of the present application in several aspects. First, claim 1 relates to a method of reading "special track-related information" on an optical storage medium, but Ishimura et al. do not disclose or does not even concern this kind of information at all. The special track-related information is illustrated in the present Application, page 1, lines 13-16:

The data track contains user information and information of data track relating to Data Mode/Form, Packet Type (including Fixed Type and Variable Type), Packet Size, and Next Writable Address (NWA), known as *special track-related information*.

However, there is not even slightest indication that Ishimura et al. disclose or concern gathering or reading the special track-related information from an optical storage medium.

Second, after reading TOC information in a specific volume, Ishimura et al. do not read in that volume for the special track-related information.

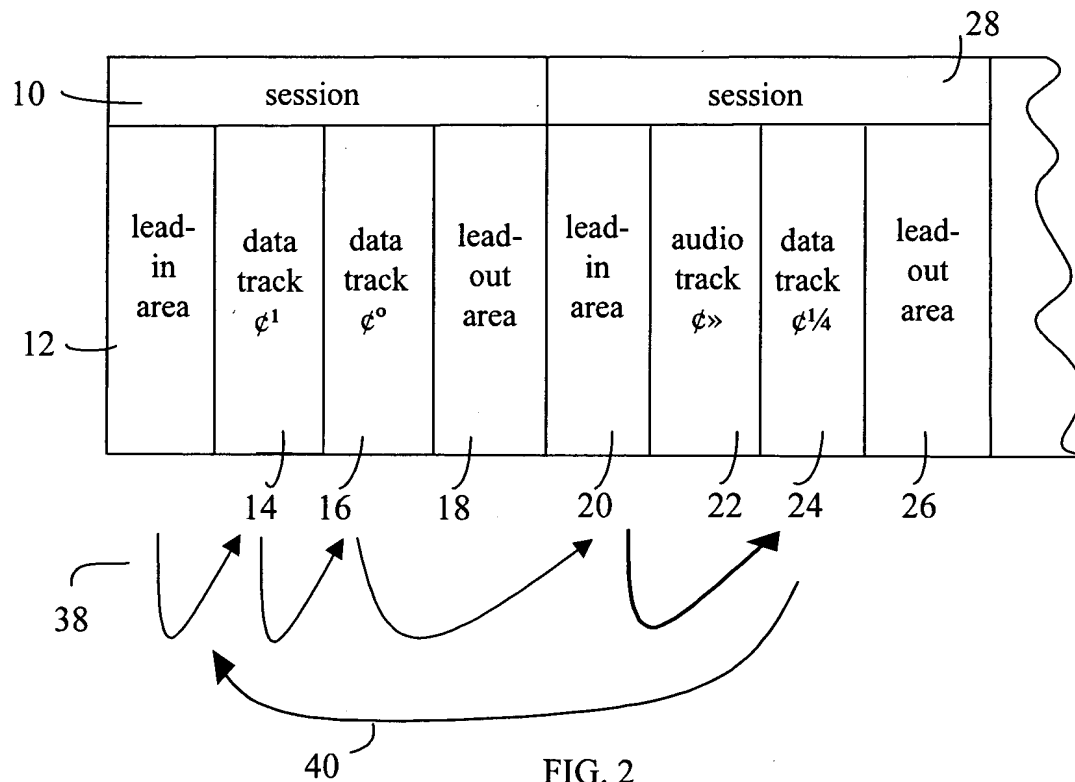


FIG. 2

As recited in claim 1 and exemplified in FIG. 2 of the *Application*, after the TOC data of the lead-in area in a target session of the optical storage medium is read, the claimed method then sequentially reads "said data tracks in said target session for reading said special track-related information." The arrows 38 in FIG. 2 of the *Application* show the progression in time line.

Ishimura et al., in contrast, does not read the special track-related information between the readings of the two adjacent TOC information. For example, after reading the TOC information of the first volume, the reproduction position of the optical pickup 42 is made "forwardly" by a time length and the reproduction is resumed only from the start position of the lead-in area of the second volume for the TOC information of the second volume. More specifically, Ishimura et al. disclose, Col. 12, line 62 - Col. 13, line 14:

Upon issuance of a TOC information read command (S11), the optical pickup 42 is displaced from the innermost position radially outwardly to read information in the lead-in area of the first volume (S12). TOC information of the first volume read from the lead-in area is stored in a memory of the host computer 28 or a memory of the control circuit 36. .... The host computer 28 accesses the reproduction position of the optical pickup 42 forwardly by time length (40:30:00) which is a sum of start time of the lead-out area ... and lead-out length (e.g., 00:30:00) (S14) and *resumes reproduction from the start position of the lead-in area of the second volume* (S15). TOC information of the second volume read from the lead-in area of the second volume is stored in the memory of the host computer 28 or the memory of the control circuit 36.

It is clear from Ishimura et al. that the reproduction position of its optical pickup 42 is made forwardly by a time length to skip the reading inbetween until the start position of the lead-in area of the second volume is located. Therefore, Ishimura et al. do not read any special track-related information between the readings of the two adjacent TOC information, which is in direct contradiction with claim 1 of the *Application*.

Third, Ishimura et al. do not read the special track-related information in a prior volume before the optical pickup 42 is moved to the next volume. Claim 1 of

the *Application* specifically recites: “*only when finishing reading all of said data tracks* in said target session, *then moving* said pickup head to the next session for continuing on reading special track-related information.” Ishimura et al. , in contrast, complete first the readings of the TOC information in all the volumes in the optical disk 10, and then performs the other reproduction operations. More specifically, Ishimura et al. disclose, Col. 13, lines 15 - 24:

The above operation is repeated and TOC information of each volume is sequentially stored in the memory of the host computer 28 or the control circuit 36. Upon detection of the final volume identification information (S16), reading of TOC information of this volume is ended and reading of TOC information of all volumes thereby is completed (S17). In this manner, TOC information of *all* of the volumes is stored in the memory of the host computer 28 or the control circuit 36 *before* reproduction for utilization in subsequent operations including search.

In sum, the disclosure of Ishimura et al. demonstrates that it is not concerned about the reading of the special track-related information, let alone “first reading TOC (Table of Content) data of said lead-in area in said target session, and then sequentially *reading said data tracks* in said target session for reading said *special track-related information*” and “*only when finishing reading all of said data tracks* in said target session, *then moving* said pickup head to the next session for continuing on reading special track-related information” as specifically recited in claim 1 of the present *Application*. It is therefore believed that claim 1 of the present *Application* is substantially different from the disclosure of Ishimura et al.

As to claim 11, claim 11 is directed to “an optical device” comprising similar limitations corresponding to the method of claim 1. Specifically, Applicant submits that Ishimura et al. do not disclose “wherein when reading in said target session, said pickup head first reads TOC (Table of Content) data of said lead-in area in said target session, and then sequentially reads said data tracks in said target session for reading said special track-related information; and wherein only when finishing reading all of said data tracks in said target session, said pickup head is then moved to the next session for continuing on reading special track-related information,” as

specifically recited in claim 11 of the present *Application*. It is therefore believed that claim 11 of the present *Application* is substantially different from the disclosure of Ishimura et al.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Ishimura et al. do not disclose each and every feature of Applicant's claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Ishimura et al. cannot be said to anticipate any of Applicant's original and amended claims under 35 U.S.C. § 102.

Accordingly, Applicant submits that Ishimura et al. do not anticipate the independent claims 1 and/or 11 and respectfully requests withdrawal of the rejections.

#### 35 U.S.C. §103(a) Rejections

Applicant submits that the dependent claims 2-10 and 12-20 not specifically addressed herein are allowable for the reasons discussed in pertinent portions associated with their independent claims respectively, as well as for their own additional features.

Applicant submits, neither Ishimura et al., Okamoto et al., Misaizu, Nonaka et al., nor Kono disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's original and amended claims.

Reconsideration of claims 1-20 is respectfully requested.

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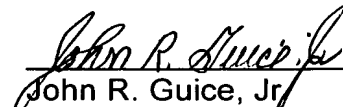
**Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: March 26, 2007

By:

  
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